

It was a complete waste of our time. It is what one of my Tennesseans said this weekend, talking about these trial balloons, talking about this lurch to the left—and Madam President, this was a friend of mine who is a Democrat—as he said, it was a complete waste of our time, the American people's time. He added: It was a complete waste of my dime—for the tax dollars that he sends to Washington, DC. He went on to say: Think about the problems you could have solved if you had been focused on making some progress instead of creating chaos.

Yesterday, the Commerce Committee held a hearing on achieving broadband resiliency. As you well know, this is one of the most important infrastructure problems that not only faces our committee but also faces this body. We had a great discussion, and I thanked Chairman LUJÁN for that hearing. But I can't help but wonder how much more progress we would have been able to make on this issue if the 14 million unserved rural Americans—yes, unserved; they have nothing—think about the progress we could have made if those 14 million unserved Americans had taken precedence in the minds and in the agenda of our friends across the aisle. It would have been great to focus on that.

Speaking of infrastructure, perhaps we could have focused more energy on giving the needed authority to our local officials so they can fix crumbling roads and bridges and getting regulations out of their way so they can go to work helping people get to work and helping children get back to school. Certainly, I know a few officials in Memphis who would love to see us start thinking long term about practical infrastructure support that doesn't include the Green New Deal fantasies that are favored by this White House.

The American people have noticed this lack of focus and this freewheeling attitude when it comes to spending taxpayers' money. When they look around, they see real need. There are businesses and families who are still struggling to pull themselves out of the ashes of the pandemic. Policies that are favored by the Democrats would be policies that would bankrupt their businesses, that would drive up the debt, and that would cause massive inflation. Tennesseans know these policies are not going to help them. What it does do is to frustrate them. Neither will the Democrats' continued failure to manage President Biden's border crisis.

In April, Customs and Border Protection apprehended 178,000 people attempting to illegally cross our border. Fourteen thousand of these were unaccompanied alien children. It is a record year for drug runners, for the cartels, for bootleggers, for human traffickers, and for sex traffickers. We caught the Department of Health and Human Services actually finishing the work of the cartels, trafficking many of those

unaccompanied minors through the Chattanooga Airport without the knowledge or the involvement of local officials.

Meanwhile, my Democratic colleagues are treating this humanitarian crisis as if it is nothing more than a logistics challenge. But perhaps if we had spent more time on this in the past month, we could have convinced them that until they get this crisis under control, they would have to admit, in this country right now, every town is a border town; every State, a border State. Just ask your local law enforcement. They will tell you. Perhaps they didn't want to put the time there because they had been busy putting a show on for the cameras and their friends on the left.

Tennesseans noticed what went on here this month. They are not happy about it. They have been reaching out. They don't have the luxury of playing political games. They don't have the spare resources to gamble on woke politics. They are trying to keep the doors of their businesses and their churches and their schools and their factories open.

We did a lot of talking this month, but the friends on the left chose not to take action to solve problems. I would encourage them to do a little soul-searching over the next couple of weeks and address the agenda that the American people would seek to have addressed.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. BALDWIN). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 172, Deborah L. Boardman, of Maryland, to be United States District Judge for the District of Maryland.

Charles E. Schumer, Richard J. Durbin, Benjamin L. Cardin, Chris Van Hollen, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Martin Heinrich, Christopher Murphy, Sheldon Whitehouse, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Deborah L. Boardman, of Maryland, to be United States District Judge for the District of Maryland, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 247 Ex.]

YEAS—52

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

NAYS—48

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

The Democratic whip.

UNANIMOUS CONSENT REQUEST—H.R. 1652

Mr. DURBIN. Madam President, last week, I told the story of a mother who received critical support from an organization called Life Span in Chicago after her daughter was sexually assaulted by the mother's husband. The services provided by Life Span were paid for by the Victims of Crime Act, VOCA.

This week, I want to tell you another story that is even more troubling, but it dramatizes the need for us to act today, this afternoon. I am going to use the name "Sasha," not the real name of the woman involved. She is a mother of three kids, and she was living with a man who was unpredictable and dangerous.

He tried to kill her—not once but three times. He tried strangling her, and the third time, she passed out. When she woke up with the kids nearby, she knew that was it. She couldn't take it anymore. So she went to a hospital. She was scared to death. She heard about a group called Harbor House. Harbor House is basically a domestic violence survivors center.

I would tell my colleagues in the Senate, if you have ever visited a domestic violence survivors center and met with any of the victims, you will never forget it. I swear, you will never forget it. I can remember the first time I met with one of the victims in one of the shelters. She was crying. Her eyes were red, one eye was blackened, and she choked back the tears and told me the story of what she lived through. For some reason—and I am not a psychologist; I can't explain it—she blamed herself. And it happens so often.

What happens to these women who are the victims of domestic violence abuse? Where do they go? Some of them can't find anywhere to go and end up dying as a result of it. What happens to their kids who witness these acts of violence in the home when mom is getting strangled by this man? What happens to them? Well, luckily, we care enough in America to do something about it. Through VOCA and the Crime Victims Fund, we send money to Harbor House and Life Span and other agencies and say: Do your best. Help them put their lives back together again. Protect them.

Well, I want to fast-forward and tell you that 6 months after Sasha's experience, things are much better. She lives safely in an apartment. She still works with adult counselors and youth counselors to get herself and her kids through this, and she knows that she is not alone. These VOCA-funded advocates stepped into her life at just the right moment and saved her life. They may have saved the lives of her children too.

So when we cut back on funding for whatever reason, we are jeopardizing the services that I just described that are so critical.

With decreased VOCA funding—if we do nothing today, with decreased VOCA funding, Harbor House will have to cut its staffers, exactly the types of professionals who helped Sasha and her family.

The executive director said:

If VOCA is cut, imagine being Sasha and having to go through all of that alone.

That is why we have to pass this bill. That is why it is so critical.

As I noted last week, VOCA passed in 1984 to establish the Crime Victims Fund. We can't even count the number of people who have been helped over the years. Three thousand applicants come through my State Attorney General's Office in Illinois, and every State has a similar story to tell of thousands of victims helped by service providers, victims of domestic violence, sexual assault, child abuse, trafficking, and drunk drivers.

And the Crime Victims Fund doesn't receive a dime of taxpayers' dollars. How about that? What I just described for you doesn't come out of the Treasury. It is funded through criminal fines, penalties, forfeited bail bonds, and special assessments collected by the Federal Government.

Historically, most of the money comes from criminal fines, but in recent years, deposits have dropped off significantly. That is why we are here at this moment. They need help, and they need it now.

Monetary penalties from deferred prosecutions and nonprosecution agreements are currently deposited in the Treasury instead of the fund. As a result, the shift has had a devastating impact on the fund. That is why a bipartisan, bicameral group of Members of Congress, working with advocacy organizations, have come up with this

VOCA fix. Our bill would stabilize the depleted fund by redirecting monetary penalties from deferred prosecutions and nonprosecution agreements to the victims and service providers who need the help.

The reduced deposits into the fund have already had a devastating impact. Victim assistance grants have been reduced by more than \$600 million in this year. And more cuts are coming if we don't do something today.

Like Harbor House, advocates across the State and across the country are begging for help. We don't have any time to waste. Every day that goes by, we miss an opportunity to help replenish the fund and to put these services on the street.

So far this year, the fund has already missed out on a total of nearly \$550 million in deposits that could be helping these agencies, and we are not even halfway through the year. That is why it is imperative that we pass this bill. The House already did it in March, 3 months ago—broad bipartisan support. Here in the Senate, we have a broad bipartisan coalition of Senators—36 Democrats and 21 Republicans. We all get it. We are all for crime victims. But we have been stopped because of an objection on the floor.

Let's end this today. Whatever the merits of any budgetary argument, for goodness' sake, lives are at stake here. Unfortunately, this objection about moving forward was made last week, and it probably will be made again today. It involves Senator TOOMEY's concern about a budgetary issue. It is a complicated issue about something called CHIMPs, for goodness' sake, which he can explain, and I am sure he will.

But after last week's argument on this, I went to the advocates who are telling us that we should send this money as quickly as we can and said: Is he right? Is this designed, without his amendment, so that this money will not go to the people who need it?

They said he is wrong. This is not going to happen.

Here is their statement: "During floor remarks for the unanimous consent [last week], it was represented the VOCA Fix Act fails to correct certain structural issues that prevent the funds from reaching victims and their advocates. The premise of this statement—that these structural issues impact the distribution of VOCA funds to survivors and advocates—is not accurate."

This is from the actual agencies themselves.

"While the use of CHIMPS (Changes in Mandatory Programs) as budget offsets continues to be a contentious issue, the claim that Appropriators hoard money rather than releasing it to victim service providers is false."

Inaccurate and false.

"In reality, Appropriators have substantially decreased the size of the budget offset by releasing far more than the amount required by the pro-

posed substitute, and the proposed substitute intended to restructure the entire appropriations process is incredibly controversial."

In other words, we are going to dive into the deep end of the pool on budget process, budget rules, and budget regulation while people are literally drowning in violence—victims of domestic abuse.

For goodness' sake, isn't there a better time and place and a better group to hold hostage? It shouldn't be these domestic violence cases.

I yield at this point to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I won't speak long, but I wanted to echo the comments of our distinguished Judiciary chairman, because I have had a similar experience.

As we were going through COVID, I was hearing from our domestic violence groups in Rhode Island that two things were happening at once. Instances were going up. People were trapped together. It was very difficult to find sanctuary houses to go to, and the experience of domestic violence was soaring. And while that was going on, the funding coming into these agencies through VOCA was declining.

Now there is a pretty simple—well, first let me thank the Rhode Island Coalition Against Domestic Violence and Sojourner House, which provides sanctuary services, and Progreso Latino, which works in this space in our Latino community, for their great work. There are a lot of organizations in this space, and I want to start by appreciating them.

The problem has nothing to do with domestic violence or domestic violence victims as to the money. The problem is that more and more of these cases are resolved by deferred prosecution and nonprosecution agreements, but the funding for VOCA comes out of criminal sentences, criminal prosecutions. So because of that change in the way these cases are treated—which is actually a good thing, generally—the money is diverted, and, as a result, the Crime Victims Fund has reached its lowest level in 10 years.

The victim assistance grants in Rhode Island fell 50 percent—5-0 percent—cut in half from fiscal year 2016 to fiscal year 2021, from \$7.6 million to \$3.8 million, which means that many of these local organizations that put their heart and soul into protecting these victims at the worst time in their lives have to deal with 50-percent cuts.

This is simple. It will allow monetary penalties in those deferred prosecutions and nonprosecution agreements to flow the same way they flow when traditional prosecutions take place.

This is endorsed across the board. This is as noncontroversial as you get—56 State and Territorial attorneys general, more than 1,700 local, Tribal, State, regional, and national advocacy, government, and law enforcement organizations.

Just this year, \$545 million has been lost to the VOCA fund because we haven't corrected this. So I would echo my chairman's remarks and urge my friend, the Senator from Pennsylvania, to find another point of leverage, another fulcrum, for his efforts to solve unrelated problems, but let this problem be solved and let these victims be served.

I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Rhode Island.

As if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1652, which was received from the House and is at the desk; further, that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, reserving the right to object, I have good news for my colleagues from Illinois and Rhode Island, and that is that the modification that I am suggesting to the unanimous consent request proffered by the Senator from Illinois is not complicated. It has nothing to do with budget rules, and, in fact, it is the simplest thing in the world.

Now, the Senator from Illinois wants to put more money and money from a new source into the Crime Victims Fund. I completely agree. I fully support it. I have liked this idea from the first time I heard of it, and I supported it.

But there is something that is important to note here. The Crime Victims Fund is a Federal Government account, and the Senator is very determined that more money go into that account.

So what do we disagree on? Well, it is very simple. The Senator from Illinois seems to be equally determined that there can be no requirement that the money actually come out of that account and go to crime victims and their advocates. That is the only thing that I want to do differently. It is to insist that money going into that account actually comes out and goes to the victims of crime and their advocates.

Now, if my concern that this money is not going to end up going where it is advertised to go is not valid, then, I don't know why my colleagues wouldn't agree to my very narrow amendment which, by the way, doesn't have a thing to do with budget rules. I don't attempt to change budget rules in this effort. We should change them, but this isn't where I am trying to do it. What I am simply trying to do is to make sure that the money that goes into the account—the increase, too—actually goes to where it is supposed to go, which is to the victims of crimes and their advocates.

So you have to ask yourself: Why would somebody oppose the proposal that this money actually be required to go to victims and their advocates? Why would somebody oppose that?

Maybe it is because there is some other place that some of this money is meant to go, and that is at the heart of this. See, under the ridiculous rules we operate under, if the money doesn't end up going to crime victims and their advocates, then, it frees up additional money to be spent on whatever anybody else wants to spend it on. The money that is withheld from the people who are supposed to get it, crime victims and their advocates, creates the opportunity to spend more on who knows what.

Now, would anyone actually do this or is this just a theoretical construct that I have made up? Well, let's take a look at the recent history. The fact is, since 2000, in the year 2000, over \$80 billion that could have and should have gone to crime victims and their advocates was intentionally withheld so that more money could be spent in other categories.

What this chart shows is the amount of money year in and year out. It starts in 2000. You see these low bars. Well under a billion dollars was actually allocated to crime victims.

There was much more money going into those accounts—much more money—because, you see, how much going into the account isn't the only thing that matters. What is actually, ultimately, much more important is how much comes out of the account and goes to the crime victims. And only when I and some of my colleagues started raising hell about this—the dishonesty, the deception, the fact that the crime victims and their advocates weren't getting nearly what they were supposed to be getting—only then—this is the red line that represents when we started doing this—that is when the allocations started to change.

This graph represents the huge surge in funds that we have been sending to crime victims and their advocates in recent years because some of us were no longer willing to tolerate this and we were raising Cain about what had been going on.

Now, what I am simply trying to do is to prevent us from going back to what was routine around here, what was standard operating procedure, which was to deceive people, pretend that money was going to end up going to the Crime Victims Fund when everybody knew it wasn't.

Now, why would I be concerned that we might be going back in that direction? Well, I will tell you why. President Biden has been very instructive about this. In his budget that he released just months ago, he actually specifies that in his budget he wants money to be diverted from the crime victims fund, which is mentioned by name, and one other fund, so that more money can be spent on other purposes.

This is my concern. This isn't something that has been made up. This is

President Biden in his budget asking us to go right back to what we used to do.

So, then, when I come down here and I suggest one modification to the very constructive idea that we add this settlement money to the fund, and the modification is that the money actually has to go to crime victims and their advocates, that is objected to. People are insistent that we not have a requirement that this money actually be allocated.

So someone might think that that is a pretty strong body of evidence that suggests that maybe all of this money isn't going to end up where it is supposed to go.

Therefore, I ask unanimous consent that the Senator modify his request to include my amendment, which is at the desk; that it be considered and agreed to; and that the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, if you listen to this explanation, there is one thing missing and it is critical. There is a suggestion that this money for the Crime Victims Fund is being spent for another purpose. You never heard that, did you? It said it could be, maybe it will be, it might be—but it hasn't been.

Listen to what they say, these people in the advocacy groups are jealously watching every penny. They want every dollar, just as you do and I do. And what do they say about your argument?

The premise of your statement that these structural issues impact the distribution of the victims funds to survivors and advocates is not accurate. It goes on to say that the claim that appropriators hoard the money rather than releasing it to victims services is false. This is from the very agencies receiving the money.

Are they in on the deal, Senator?

I don't think so. They are desperate for these funds, and without them, they are going to have a serious cutback in services.

The proposed substitute intended to restructure the entire appropriations process is incredibly controversial, and you know it and I know it as a member of the Appropriations Committee. Yet you are tangling up this relief for the victims of crime, victims of domestic abuse, women who are seeking shelter and hospital care and trying to care for their children and what they are going through. You want to hold back on the possibility—the possibility—that somebody is going to spend this on something else, even though you have no proof that it has been done—none.

And the people who are the advocates for these groups are saying to you: What you are saying is inaccurate and false.

And you won't give it up.

I would suggest: Pick another target. Find some other group to make your budget point of order. Please don't take this out on these people who are in the most desperate situations in their life. This is not the time and place to raise this budget debate. I seriously hope that you will think about them for a moment.

I object to your modification.

The PRESIDING OFFICER. Is there an objection to the original request?

Mr. TOOMEY. Reserving the right to object, this is an amazing argument that the Senator from Illinois is making. He is saying: Don't worry. He would never do what the Senator from Pennsylvania is suggesting might happen and which, by the way, always used to happen, and, which, by the way, the President is asking us to do. We would never do it. Oh, but I will object to a requirement that the money actually go where we say it is going to go.

I think that tells us all we need to know. So I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. 2084

Mr. SCOTT of Florida. Mr. President, it has been a trying year for our Nation. Thankfully, the vaccine has brought so much hope and a semblance of normalcy back to the lives of many Americans.

As families and businesses in Florida and across the United States continue to work hard to recover from the devastation of COVID-19, travel is critical to get our economy fully reopened.

From the beginning of the pandemic, I encouraged everyone to wear a mask as we learned more about this virus, but now the science is clear that broad mask mandates aren't necessary. Unfortunately, the CDC has decided to buck the science when it comes to travel and is still requiring face masks on public transportation.

We have all heard the stories of how this mandate impacts families: a mother and her six children traumatized by being kicked off a flight after her 2-year-old daughter refused to wear a mask; a New Jersey couple forced to deplane because their 2-year-old wouldn't wear a mask; a Colorado mother and their family booted off a flight over fears their 3-year-old son, who has a disability, wouldn't wear a mask; an Orthodox Jewish family kicked off a flight because their 15-month-old baby was not wearing a mask.

You can't make this stuff up. It has made traveling with children nearly impossible. After a year of hardships and being apart from loved ones, these families were denied the ability to reconnect. It is awful and unnecessary. And I hear stories all the time about parents with young children deciding, I am not getting on an airplane because I know I will get kicked off or I might get kicked off.

And to make guidelines even more confusing, you are allowed to remove

your mask to eat and drink. So why is it OK and totally safe to not have a mask while you eat a snack but dangerous to be unmasked any other time?

The CDC itself has been clear that mask mandates aren't needed. You don't have to wear a mask in a restaurant. You don't have to wear a mask in a hotel. You don't have to wear a mask at a school. You don't have to wear a mask in a stadium. So why is the CDC singling out airlines and public transportation? It doesn't make any sense.

This isn't a political argument. In fact, during our Commerce Committee markup of the surface transportation measure last week, both Democrats and Republicans expressed frustration at the continuation of the mask mandate. Republican and Democratic Governors and mayors across the country have followed the science and lifted mask mandates.

Just like the Federal Government should not be in the business of requiring Americans to turn over their vaccination records, the Federal Government should not be mandating citizens wear masks on public transportation.

That is why I introduced the Stop Mandating Additional Requirements for Travel, or SMART Act, which would revoke the Federal requirement for Americans to wear masks on public transportation. Americans should be free to make choices they feel are in the best interest of their own health and the health of their loved ones.

If someone wants to wear a mask, they are absolutely free to do so, but the government has no right to tell them what to do. If an airline or other private company decides it wants to implement a mask policy, so be it. This does not prohibit them from doing so.

I have been clear. Private companies should be able to make decisions that they feel are appropriate for their employees and their customers. And their customer gets to make a decision.

This bill is pure common sense, and I am glad to be joined today by my colleague from Utah, Senator LEE, and he will be speaking after I ask for the consent.

The science just doesn't support keeping the mask mandate in place. We have to listen to the science and work together to move America forward. I know Americans will do the right thing to stay safe, and I hope my colleagues join me in passing this important bill.

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on HELP be discharged from further consideration of S. 2084 and the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, right now,

experts at the Centers for Disease Control and Prevention are continuing to update their mask requirements based on the latest developments, including requirements related to travel. They need us to be reinforcing their science-based work to keep people safe, not overruling it.

We cannot pretend this pandemic is over. This virus is still spreading; it is still mutating; it is still costing lives; and it is still leaving survivors with long-haul symptoms. And the new Delta variant is more contagious, more likely to send people to the hospital, and already in our country.

We have made great progress on vaccinations, but there are still people who are not vaccinated, as well as people who cannot yet get vaccinated. We know masks remain a simple, effective way to protect everyone, especially in small crowded spaces—in an airplane, on a bus, or a train.

Getting rid of mask requirements for travel before the experts tell us it is safe to do so is not going to get people to their destinations any faster, and it is not going to end this pandemic any faster. Instead, it will draw things out. It will cost time, and it will cost lives. To get everyone safely through this pandemic, we need to listen to the experts and let them do their jobs; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I echo the remarks presented by my friend and colleague, the junior Senator from Florida. I agree wholeheartedly with his analysis. I think it is unfortunate that we missed this opportunity to enact meaningful change today, change that is backed up by science.

It was in January of this year that the Centers for Disease Control ordered the mandatory use of masks on planes, trains, buses, and other modes of public transit of every kind everywhere across this country. If Americans failed to comply with this mandate, they risked being fined or even criminally prosecuted.

Six months later, the coronavirus continues with the CDC refusing to recognize its own research that the mandate is no longer defensible. It is now June. The vaccine has been made available for months, COVID cases are plummeting, and the country is anxious to return to the way things once were. The CDC has even said that vaccinated Americans don't have to wear masks and can get their lives back to normal.

More than 45 percent of Americans are now fully vaccinated. States are lifting their restrictions, and in restaurants, stores, and workplaces across the country, it is no longer required, mercifully, to wear a mask. If Americans still want to wear one, they can make that decision for themselves. They are free to do so. But the CDC's requirement that vaccinated individuals—even vaccinated individuals—

must wear masks on all forms of public transit now blatantly contradicts the Agency's own policies and the Agency's own scientific research. It needlessly promotes fear and plays politics with the lives of the American people, not to mention it has imposed absurd expectations and serious consequences on children and families, especially families with children trying to travel.

You see, after the January mandate, the CDC issued a corresponding mandate that exempted only children over the age of 2, in keeping with their original mask-wearing guidance, guidance that is among the most stringent in the world and, I would add, the most unrealistic in the world, when you consider that they require it up to and including children as young as 2 years old.

So what have been some of the results of this guidance? Parents have been kicked off and banned from flights if their small children refuse to wear a mask. For parents of kids with disabilities and many parents of especially small children, compliance has been nearly impossible.

We already know that children, especially young children, are unlikely to contribute to the spread of the virus. What we do not know, however, is what scientific studies, if any at all, the CDC happens to be relying on in reaching this guidance—in reaching the conclusions underlying this guidance.

In fact, several of my colleagues and I sent a letter to the Agency with this very question more than 2 months ago, on April 22, 2021. And now, more than 2 months later, we have yet to receive an answer. It is a very simple question, and we have yet to receive any shred, any semblance, any scintilla of an answer. I find that unacceptable.

If the CDC actually believes its own research, then it should act like it. And if it believes in the vaccines, the very vaccines on which we have spent billions of taxpayer dollars, then it should act consistently and instill confidence in the American people, rather than fear.

And with the vaccine now free and widely available, Americans should be able to weigh the cost of the options before them and choose for themselves whether to receive the vaccine, whether to wear a mask, or whether to take their own precautions free of any mandates imposed by their government.

But if the Federal Government is going to have a say in whether or not there should be a mandate, it should be up to Congress, the sole branch of the Federal Government empowered to enact law and, not coincidentally, the branch elected by and held most accountable to the people at most regular intervals. It should be up to this branch of government, the legislative branch, to enact such a mandate.

To the extent that the CDC issued this mandate, it did so using authority delegated to it from Congress. We, in Congress, did not pass the mask mandate, and we do not have to defer to those bureaucrats who did.

The science—the science shows that wearing masks should not be Federal law, and we should act accordingly. We should, moreover, give Americans some reason to want to be vaccinated. When there is light at the end of the tunnel and when they can see there is some tangible, immediate benefit to them getting vaccinated, they are more likely to do it. If they can safely enter a place of mass transit without a mask, if they choose to do so, many more people will choose to get vaccinated if we give them that benefit or if we at least allow the operators of those modes of transportation to allow people to do that.

We can assert our rightful authority and promote sound science and common sense by supporting the bill introduced by my friend and colleague, Senator SCOTT of Florida. We need this to pass. The American people have suffered through a very, very long COVID winter. It is time for them to be able to make their own choices. That is what we do best as Americans because we believe in freedom.

We also believe that whenever the coercive power of government, especially the coercive power of the Federal Government is exercised, it must do so with the authority of Congress. We should never tacitly acquiesce to the authority of overlords within a bureaucratic Agency who are elected by no one and ultimately accountable only to themselves.

We are in charge here. We make the law. We shouldn't blindly defer to anyone, certainly not the CDC when the CDC ignores its own science.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I thank my colleague from Utah for his comments. I want to thank his continued commitment always to make sure that we, Congress, handles everything we can. We don't defer constantly to the executive branch in making decisions that we should be making.

This is a simple example of why we should be making this decision. This is following the science, and I am actually shocked that my colleague from the State of Washington does not want to follow the science.

I don't understand why my colleague from the State of Washington wants government to be dictating things. Why do we want to dictate to Americans how to lead their lives? Why does she think that the government—why has the government lifted mandates in States all across the country but not—and why is the CDC fine with every place but public transportation? It just doesn't make any sense.

Americans will do the right thing. It is not our job to dictate, to tell them how to lead their lives. If someone wants to wear a mask, so be it. They should do it, but the government has no right to tell them that they have to wear a mask. If an airline or another private company decides it wants to implement a mask policy, have at it.

We shouldn't prohibit them from wanting to do that, but we should not be dictating this.

So I am disappointed that my colleague from the State of Washington didn't go along, but I think it is important for us to always make sure we are doing the right thing for the American public and, right now, the right thing is eliminate the mask mandate on public transportation.

The PRESIDING OFFICER. The Senator from Michigan.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. PETERS. Mr. President, I rise today in support of two critical nominations: Jen Easterly's nomination to be the Director of the Cybersecurity and Infrastructure Security Agency—commonly referred to as CISA—within the Department of Homeland Security, as well as Robin Carnahan to be the Administrator of the General Services Administration, or GSA.

Our country is under attack. Nation-state actors and criminal organizations are relentlessly targeting our government, critical infrastructure, and key industries to infiltrate networks, steal information, conduct espionage, and demand ransom payments.

These cyber attacks pose a serious threat to our national security. As we saw from the SolarWinds hack, as well as the Colonial Pipeline and JBS ransomware attacks, cyber criminals are constantly looking to exploit cyber security vulnerabilities and find the weakest link. We must be vigilant about preventing these attacks, and we need a strong, coordinated approach from across the Federal Government to better secure America's networks. That means the Senate needs to confirm qualified cyber security nominees so that they can get to work immediately.

CISA is the lead domestic Agency for cyber security in the Federal Government. It is responsible for ensuring that Federal Departments and Agencies—our private sector critical infrastructure partners—and the American people have the resources to detect, to withstand, and to respond to cyber attacks. GSA provides a wide range of support to Agencies across the government. One of GSA's key functions is to provide funding and expertise to help Agencies both modernize and secure their IT systems and their networks. We need Senate-confirmed leadership at the top of these critical Agencies, and we need it today.

Ms. Easterly has served for over three decades in the Federal Government and the private sector.

Since 2017, Ms. Easterly has led the operations center for Morgan Stanley's cyber defense strategy. She was also a critical member of the Cyber Solarium Commission, which has made 80 recommendations for cyber deterrence, 25 of which have already become law.